

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

HENRY C. BUHL,

Plaintiff,

vs.

No. 1:21-cv-310

**HARRY W. BUTLER AND J&R
SCHUGEL TRUCKING, INC.,**

Defendants.

NOTICE OF REMOVAL OF CIVIL ACTION

TO: C. Mark Warren, Esq.
Warren & Griffin, P.C.
736 Georgia Avenue, Suite 100
Chattanooga, TN 37402

The removing Defendants, Harry W. Butler and J&R Schugel Trucking, Inc., pursuant to 28 U.S.C. §1332, 1441 and 1446, and by and through counsel of record, Glassman, Wyatt, Tuttle & Cox, P.C., hereby file their Notice that this matter has been removed from the Circuit Court of Hamilton County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Southern Division, at Chattanooga and as a basis for removal would show as follows:

1. This matter was originally filed in the Circuit Court of Hamilton County, Tennessee, on the 2nd day of November, 2021, under Docker No. 21C1035. A copy of the original Complaint filed in the Circuit Court of Hamilton County, Tennessee, is attached to this Notice of Removal as Exhibit "A".

2. This is a civil action arising out of alleged personal injury resulting from a vehicle accident that occurred in Hamilton County, Tennessee on or about September 17, 2021.

3. On or about November 20, 2021, the Defendant, Harry W. Butler, received the Summons and Complaint via U.S. Mail.

4. On or about November 19th, 2021, the Defendant, J&R Schugel Trucking, Inc., received the Summons and Complaint from the Circuit Court of Hamilton County, Tennessee, via U.S. Mail from the Tennessee Secretary of State. Thus, removal of this action is timely filed. *See* 28 U.S.C. § 1446(b).

5. Plaintiff is presently, and was at the time the Complaint was filed, a resident citizen of Hamilton County, Tennessee.

6. Defendant, Harry W. Butler, is and was at the time the Complaint was filed, a resident citizen of Douglasville, Douglas County, Georgia.

7. Defendant, J&R Shugel Trucking, Inc., is and was at the time the Complaint was filed, a Minnesota corporation with its principal place of business in New Ulm, Minnesota.

8. The Complaint sets forth an *ad damnum* of “\$500,000” for compensatory damages. As such, Defendants contend that the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. Pursuant to 28 U.S.C. §1446(c)(2), in order to satisfy the requirements as to the amount in controversy, Defendants would show that in addition to the amount sued for, counsel for plaintiff has provided medical bills and records in an amount that clearly reflects the amount in controversy being in excess of \$75,000.

9. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a)(1) and (c)(2) as the lawsuit is between citizens of different states, and as the amount in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs.

10. The removing Defendants would further show that venue properly lies with this Court and in this Division pursuant to 28 U.S.C. §1441(a) as this case is being removed from the Circuit Court of Hamilton County, Tennessee.

11. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice will be given to all parties and a true and correct copy of this Notice will be filed with the Clerk of Hamilton County, Tennessee, thereby effectuating removal of this action to this Court.

Respectfully submitted,

s/Todd Murrah
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Counsel for the Defendants
GWTC File No. 21-337

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing pleading has been properly served, on the 17th day of December, 2021, via Email and/or United States Mail, postage prepaid upon the following:

C. Mark Warren, Esq.
Warren & Griffin, P.C.
736 Georgia Avenue, Suite 100
Chattanooga, TN 37402

s/Todd Murrah
Todd Murrah